



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*TM*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/101,498	07/09/98	MULLER	N VO-391

PATENT AGENTS  
JECK FLECK HERRMANN  
POSTFACH 1165  
D71697 SCHWIEBERDINGEN  
FED REP GERMANY

FM92/0922

AIR MAIL

EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

3624

DATE MAILED:

09/22/99

*6*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/101,498

Applicant(s)  
MULLER

Examiner  
Hanh V. Tran

Group Art Unit  
3624



☒ Responsive to communication(s) filed on Jul 9, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-4 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3624

### DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

#### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### *Drawings*

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations in claims 2-4 of (1) a cover in claim 2, (2) a plurality of air-aspirating and air-outlet openings in claim 3, and (3) air-inlet

Art Unit: 3624

openings, air-outlet openings, and an integrated heat exchanger in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 3,559,728 to LYMAN ET AL in view of USP 5,184,879 to BROSSARDT ET AL.

LYMAN ET AL discloses cabinet structure comprising all the elements recited in the above listed claims and including (1) a cabinet, (2) a hollow door comprising all the elements recited in the claims, such as: a cover, air-conditioner components, heat exchanger... (col. 1, lines 62-74). The only different being that LYMAN ET AL does not disclose the cabinet door has a tub-shaped.

Art Unit: 3624


BROSSARDT ET AL discloses a cabinet structure comprising a housing, and a hollow door 20, wherein the hollow door has a tub-shaped in order to provide an aesthetic looking door and to increase the storage capacity within the door.

It would have been obvious to modify the structure of LYMAN ET AL by providing the hollow door as a tub-shaped in order to provide an aesthetic looking door and to increase the storage capacity within the door, as taught by BROSSARDT ET AL, since both teach alternate conventional electrical cabinet having hollow door structure, used for the same intended purpose, thereby providing structure as claimed.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. STALKER ET AL, KRUCK ET AL, STODDARD ET AL, GOW, and ROTHSTEIN all show structures similar to various elements of applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302.

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600

HVT *HVT*  
September 15, 1999